

REMARKS

After entry of this amendment, claims 1-33 will be pending for the Examiner's review and consideration. The Applicant would first like to thank the Examiner for the allowance of the claims 1-24. The Office Action dated May 6, 2004 has been carefully considered. Claim 25 has been amended without prejudice. The Applicant reserves the right to pursue the pre-amended claim scope in either a divisional, a continuation, or a continuation-in-part application, if the Applicant so desires. No new matter has been added. Reconsideration and allowance of the present application in view of the above amendments and the following remarks is respectfully requested.

In the Office Action dated May 6, 2004, the Examiner:

- rejected claims 25-27, 29, 31, and 32 under 35 U.S.C. § 102(a) as being anticipated by United States Patent Nos. 3,829,737 to Johnsson ("Johnsson"); 4,626,731 to Sadoya ("Sadoya"); and 5,626,731 to Meury ("Meury");
- rejected claims 28, 30, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Johnsson, Sadoya, and Meury; and
- allowed claims 1-24.

Independent Claim 25

Independent claim 25 was rejected under 35 U.S.C. § 102(a) as being anticipated by Johnsson, Sadoya, and/or Meury. In order to expedite prosecution of the present application, claim 25 has been amended without prejudice to recite, *inter alia*, a piezoelectric ignition mechanism comprising first and second body members moveable with respect to one another between a first position and a second position, one of the body members defining a track and a retaining surface substantially adjacent the track, and the other one of the body members defining an engagement portion; and a plexor member having at least one lug portion; wherein when the first and second members are moved a predetermined distance toward the second position, the engagement portion is sized and configured to releasably engage the at least one lug portion to provide resistance against the lug portion releasing from the engagement portion. There is no disclosure, teaching, or suggestion in either Johnsson, Sadoya, or Meury of first and second body members where one of the body members defines a track and a retaining surface substantially adjacent the track, and the other one of the body members defines an engagement portion; wherein the engagement portion is sized and configured to releasably engage the at least one lug portion to provide resistance against the lug portion releasing from the engagement portion.

In contrast, Johnsson discloses a lug 6, an inner casing 1 having a slot 2, and an outer casing 3 having a slot 4 and a retaining notch 4a. In its normal position, the lug 6 resides in the retaining notch 4a. However, as a user applies pressure, the lug 6 is cammed aside by the ramp 2a formed in the slot 2 of the inner casing 1 so that the lug 6 can travel along the inclined lower surface 12 formed in the slot 4 of the outer casing 3. Thus, it is respectfully submitted that there is no disclosure, teaching, or suggestion in Johnsson of providing an engagement portion wherein the engagement portion is sized and configured to releasably engage the at least one lug portion to provide resistance against the lug portion releasing from the engagement portion. Thus, it is respectfully submitted that Johnsson does not disclose, teach, or suggest all of the limitations of independent claim 25.

Similarly, Sadoya discloses a hammer, an inner case having a window formed therein, and an outer case having a window and an engaging portion formed therein. The inner casing, outer casing, and windows being arranged so that as a user depresses the ignition mechanism, the hammer is urged by the shape of the window formed in the inner case to release the hammer from the engaging portion formed in the outer case. Thus, it is respectfully submitted that there is no disclosure, teaching, or suggestion in Sadoya of providing an engagement portion wherein the engagement portion is sized and configured to releasably engage the at least one lug portion to provide resistance against the lug portion releasing from the engagement portion. Thus, it is respectfully submitted that Sadoya does not disclose, teach, or suggest all of the limitations of independent claim 25.

Moreover, Meury discloses a plexor 6 having a pair of lugs 11, an interior assembly 1 having a longitudinal slot 13 and a lateral notch 12 formed therein, and an exterior assembly 2 having a window 21 formed therein. In the rest position, the lugs 11 of the plexor 6 are housed in the lateral notch 12 of the internal assembly 1. To create a spark, a user applies a force causing the lugs 11 to move along the edges of the window 21 which thereby causes the lugs 11 to come out of the notch 12. Thus, it is respectfully submitted that there is no disclosure, teaching, or suggestion in Meury of providing an engagement portion wherein the engagement portion is sized and configured to releasably engage the at least one lug portion to provide resistance against the lug portion releasing from the engagement portion. Thus, it is respectfully submitted that Meury does not disclose, teach, or suggest all of the limitations of independent claim 25.

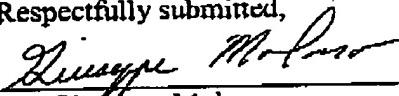
Therefore, it is respectfully submitted that neither Johnsson, Sadoya or Meury, either alone or in combination, disclose, teach, or suggest all of the limitations of independent claim 25. Thus, it is respectfully submitted that independent claim 25 is allowable over the cited prior art. Withdrawal of this rejection and allowance of independent claim 25 is therefore respectfully requested.

Claims 26-33 all ultimately depend from independent claim 25, and thus, it is respectfully submitted that these claims are equally allowable for at least this reason. Withdrawal of these rejections and allowance of claims 26-33 is therefore respectfully requested.

In light of the above amendments and remarks, it is respectfully submitted that claims 1-33 are now in condition for allowance, and the Examiner is respectfully requested to reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at 212-326-7883, if a telephone call could help resolve any remaining issues.

Respectfully submitted,

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